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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Frederic Perriot

Application No.: 10/763,673

Filed: January 22, 2004

For: Countering Polymorphic Malicious  
Computer Code Through Code  
Optimization

Confirmation No.: 7489

Group Art Unit: 2131

Examiner: not yet known

**SUPPLEMENTAL  
INFORMATION DISCLOSURE  
STATEMENT**

SONNENSCHN NATH & ROSENTHAL LLP  
Customer No. 45969

M/S AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited  
with the United States Postal Service as First Class Mail in an  
envelope, addressed to: M/S Amendment, Commissioner for  
Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

4/24/05

SONNENSCHN NATH & ROSENTHAL LLP

Dated: 4/24/05 By: Michael C. Martensen  
Michael C. Martensen

Sir:

Applicant(s) submit(s) herewith patents, publications or other information [attached  
hereto and listed on the attached Form PTO-1449 (modified)] of which he is aware, which he  
believe(s) may be material to the examination of this application and in respect of which there  
may be a duty to disclose in accordance with 37 CFR § 1.56.

This Information Disclosure Statement:

- (a) ☐ accompanies the new patent application submitted herewith. 37 CFR § 1.97(a).
- (b) ☐ is filed within three months after the filing date of the application or within three  
months after the date of entry of the national stage of a PCT application as set  
forth in 37 CFR § 1.491.
- (c) ☒ as far as is known to the undersigned, is filed before the mailing date of a first  
Office Action on the merits, or before a first office action after filing a Request  
for Continued Examination under §1.114.
- (d) ☐ is filed after the first office action and more than three months after the  
application's filing date or PCT national stage date of entry filing but, as far as is

known to the undersigned, prior to the mailing date of either a final rejection or a notice of allowance, whichever occurs first, and is accompanied by either the fee (\$180) set forth in 37 CFR § 1.17(p) or a certification as specified in 37 CFR § 1.97(e), as checked below.

- (e) ☐ is filed after the mailing date of either a final rejection or a notice of allowance, whichever occurred first, and the Issue Fee has not been paid, and is accompanied by the fee (\$130) set forth in 37 CFR § 1.17(i)(1) and a certification as specified in 37 CFR § 1.97(e), as checked below. This document is to be considered as a petition requesting consideration of the information disclosure statement.

[If either of boxes (d) or (e) is checked above, the following "certification" under 37 CFR § 1.97(e) may need to be completed.] The undersigned certifies that:

- (f) ☐ Each item of information contained in the information disclosure statement was cited in a communication mailed from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement.
- (g) ☐ No item of information contained in this information disclosure statement was cited in a communication mailed from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned after making reasonable inquiry, was known to any individual designated in 37 CFR § 1.56(c) more than three months prior to the filing of this information disclosure statement.

A list of the patent(s) or publication(s) is set forth on the attached Form PTO-1449 (Modified).

A copy of the items on PTO-1449 (Modified) is supplied herewith, except as noted below.

Those patent(s) or publication(s) which are marked with an asterisk (\*) in the attached form PTO-1449 (Modified) are not supplied because they are (a) either U.S. Patents and this an application filed after June 30, 2003, or (b) were previously cited by or submitted to the Office in a prior application no. \_\_\_\_\_, filed \_\_\_\_\_, and relied upon in this application for an earlier filing date under 35 U.S.C. § 120.

A concise explanation of relevance of the items listed on form PTO-1449 (Modified) is:

- (h) ☒ not given

Atty Docket No.: 44420423-8166

- (i) ☐ given for each listed item
- (j) ☐ given for only non-English language listed item(s) [Required]
- (k) ☐ is in the form of an English language copy of a Search Report from a foreign patent office, issued in a counterpart application, which refers to the relevant portions of the references [copy attached].

The Examiner is reminded that a "concise explanation of the relevance" of the submitted items "may be nothing more than identification of the particular figure or paragraph of the patent or publication which has some relation to the claimed invention," MPEP § 609.

While the information and references disclosed in this Information Disclosure Statement may be "material" pursuant to 37 CFR § 1.56, it is not intended to constitute an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.


In accordance with 37 CFR § 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR § 1.56(a) exists. It is submitted that the Information Disclosure Statement complies with 37 CFR § 1.98 and MPEP § 609 and the Examiner is respectfully requested to consider the listed references.

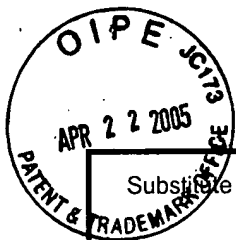
The Commissioner is hereby authorized to charge our Deposit Account No. 14-3140 for any fees required in connection with the filing of this Information Disclosure Statement. **A duplicate copy of this Notice is enclosed for this purpose.** In particular, in the event that an Office Action has crossed in the mail with this Information Disclosure Statement, the Commissioner is authorized to charge the above-named deposit account for any fees required pursuant to CFR §§ 1.17(p) or 1.17(i)(1).

Respectfully submitted,

SONNENSCHN NATH & ROSENTHAL LLP

Dated: 4/20/05

By:   
Michael C. Martensen, Reg. No. 46,901  
Attorneys for Applicant(s)  
Attorney of Record



<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (use as many sheets as necessary)		<b>Complete if Known</b>	
		Application Number	10/763,673
		Filing Date	January 22, 2004
		First Named Inventor	Frederic Perriot
		Group Art Unit	2131
Examiner Name	Not yet known		
Attorney Docket Number	44420423-8166		
Sheet	1	of	2

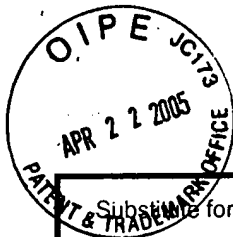
U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number Number-Kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		5,949,973	9/7/1999	Yarom	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Number Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		WO 01/37095 A1	5/25/2001	Clicknet Software Inc.		<input type="checkbox"/>

OTHER ITEMS – NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		CHOI, Yang-Seo, et al., "A New Stack Buffer Overflow Hacking Defense Technique with Memory Address Confirmation", Lecture Notes in Computer Science 2288, 2002, pp. 146-159, Springer Verlag, Berlin and Heidelberg, Germany.	
		CHEW, MONICA and Dawn Song, "Mitigating Buffer Overflows by Operating System Randomization", December 2000, pp. 1-9, U.C. Berkeley, CA USA.	
		Randustack web pages [online]. Virtualave.net [first retrieved 5/1/2003]. Retrieved from the Internet: <URL: http://pageexec.virtualave.net/docs/randustack.txt>, copy retrieved 3/21/2005 from <http://www.pax.grsecurity.net/docs/randustack.txt>.	
		Randkstack web pages [online]. Virtualave.net [first retrieved 5/1/2003]. Retrieved from the Internet: <URL: http://pageexec.virtualave.net/docs/randkstack.txt>, copy retrieved 3/21/2005 from <http://www.pax.grsecurity.net/docs/randkstack.txt>.	

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file ( and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



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				Examiner Name	Not yet known
Sheet	2	of	2	Attorney Docket Number	44420423-8166

		Randmap web pages [online]. Virtualave.net [first retrieved 5/1/2003]. Retrieved from the Internet: <URL: <a href="http://pageexec.virtualave.net/docs/randmmap.txt">http://pageexec.virtualave.net/docs/randmmap.txt</a> >, copy retrieved 3/21/2005 from < <a href="http://www.pax.grsecurity.net/docs/randmmap.txt">http://www.pax.grsecurity.net/docs/randmmap.txt</a> >.	
		Randexec web pages [online]. Virtualave.net [first retrieved 5/1/2003]. Retrieved from the Internet: <URL: <a href="http://pageexec.virtualave.net/docs/randexec.txt">http://pageexec.virtualave.net/docs/randexec.txt</a> >, copy retrieved 3/21/2005 from < <a href="http://www.pax.grsecurity.net/docs/randexec.txt">http://www.pax.grsecurity.net/docs/randexec.txt</a> >.	
		VMA Mirroring web pages [online]. Virtualave.net [retrieved 5/1/2003]. Retrieved from the Internet: <URL: <a href="http://pageexec.virtualave.net/docs/vmmirror.txt">http://pageexec.virtualave.net/docs/vmmirror.txt</a> >, copy retrieved 3/21/2005 from < <a href="http://www.pax.grsecurity.net/docs/vmmirror.txt">http://www.pax.grsecurity.net/docs/vmmirror.txt</a> >.	

Examiner Signature		Date Considered	
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This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file ( and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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